

Notice of Allowability	Application No.		Applicant(s)	
	10/637,086		TAMINGER ET AL.	
	Examiner		Art Unit	
	G. Nagesh Rao		1722	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10/15/06.
2. ☒ The allowed claim(s) is/are 4-8, 11-15, 19-21, 23-30, 32-37, 43, 44, 47-50, 53 and 55-58.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| <ol style="list-style-type: none"> 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | <ol style="list-style-type: none"> 5. <input type="checkbox"/> Notice of Informal Patent Application 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>10/15/06</u>. 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input type="checkbox"/> Other _____. |
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EXAMINER'S AMENDMENT

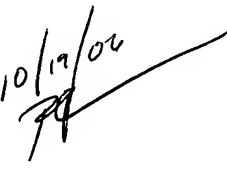
1) An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Ted Ro on 10/17/06.

The application has been amended as follows:

IN THE CLAIMS:

In Claim 4 please delete the following from lines 8-9 "wherein said wire feed subsystem does not deposit said wire feedstock at said target location in the form of droplets"

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10/17/06


In Claim 56 please delete the following from lines ~~14-15~~ "wherein said wire feed subsystem does not deposit said wire feedstock at said target location in the form of droplets"

6-7 ~~TH~~ 10/19/04

In Claim 57 please delete the following from lines ~~11-12~~“, wherein said wire feed subsystem does not deposit said wire feedstock at said target location in the form of droplets”

8-9 ~~TH~~ 10/14/00

In Claim 58 please delete the following from lines ~~20-21~~“, wherein said wire feed subsystem does not deposit said wire feedstock at said target location in the form of droplets”

Please delete claim 59.

REASONS FOR ALLOWANCE

2) The following is an examiner's statement of reasons for allowance: Upon a telephone interview with applicant's attorney Ted Ro, examiner was provided reasons for why the rejection was not sustainable. The 103 combination rejection of the claims with references Mahoney (US Patent No. 4,762,975) in view of Sterett (US Patent No. 5,787,965) is improper because of the divergent nature of technologies taught between the two references. Mahoney 975 pertains to an apparatus system for sequential deposition of wire feedstock at droplets in micron or submicron particles (See Col 4 Lines 4-22). For this system to be used in a

sequential deposition manner to fabricate a 3-d product would be almost impractical to do so. Therefore the sheer nature of using the reference in the rejection would be improbable due to the nature of the technology and device taught in Mahoney 975. The other prior art reference Sterett 965 which did pertain to an apparatus for 3-d sequential deposition product fabrication lacked features as required in the claims by the applicant including that of an electron beam system. Therefore it is the examiner's position that claims 4-8, 11-15, 19-21, 23-30, 32-37, 43-44, 47-50, 53, and 55-58 are now in condition for allowance.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to G. Nagesh Rao whose telephone number is (571) 272-2946. The examiner can normally be reached on 9AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta can be reached on (571)272-1316. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

GNR


ROBERT DAVIS
PRIMARY EXAMINER
GROUP 1300 / 700

10/19/06